

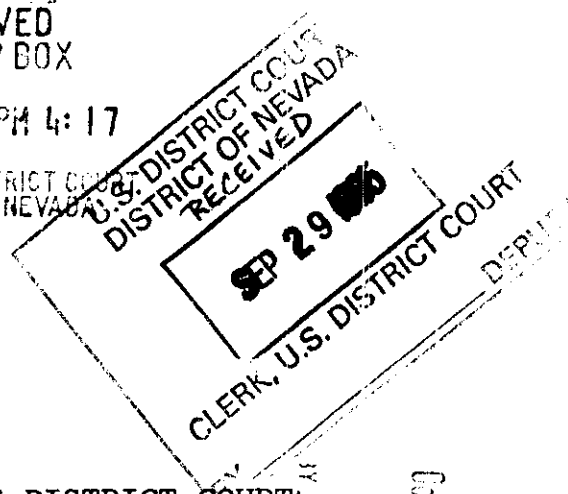
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Attorneys for Plaintiff-Intervenor
MINERAL COUNTY

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA



IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE
TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION
DISTRICT, a corporation, et al.

Defendants.

IN EQUITY NO. C-125-C-ECR

MOTION AND POINTS AND
AUTHORITIES TO EXTEND
TIME TO COMPLETE PERSONAL
SERVICE (SECOND REQUEST)

MINERAL COUNTY, NEVADA, proposed Intervenor, by and through counsel, ZEH, POLAHA, SPOO & HEARNE, moves, as herein-after set forth, for an extension of time to complete personal service, pursuant to FRCP(6)(b) and LR-1.

On August 16, 1995, this Court ordered MINERAL COUNTY to personally serve the approximately 1065 potential defendants herein by September 29, 1995. MINERAL COUNTY'S waiver of personal service mailing had received an estimated 13 percent response.

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1 MINERAL COUNTY filed a motion on August 22, 1995, to
2 extend time for personal service, asserting that 30 days for
3 such a substantial process of personal service was exceptionally
4 difficult. In the interim, and having received no ruling (or
5 opposition) to its motion to extend, MINERAL COUNTY has served an
6 estimated 51 percent (or has determined service to be unavail-
7 able) of those required to be personally served (see Certificate
8 of Return of Service filed of even date herewith).

9 POINTS AND AUTHORITIES

10 MINERAL COUNTY believes it has acted in demonstrably
11 good faith by expeditiously attempting to serve by waiver
12 process. Having not succeeded, by reason, it believes, of un-
13 warranted interference, it immediately, upon Order, commenced
14 personal service of an intensive large-scale, highly organized
15 nature in a matter of days, and has met with notable success and
16 continues its efforts. However, as the Returns of Service, now
17 filed, show, many of the remaining persons to be personally
18 served are scattered around Nevada and other states. Those
19 served to date, on the other hand, were concentrated in Mason
20 Valley and Smith Valley, Nevada, on the Walker River system,
21 where most defendants and plaintiff's citizens are located.

22 MINERAL COUNTY points out that the Walker River Paiute
23 Tribe and the United States, in the related matter, Case No. 125-
24 B, have sought and received several lengthy extensions, totaling
25 nearly two years, for the purpose of attempting service. To
26 date, they have not attempted to serve either by process of
27 waiver or personal service. MINERAL COUNTY does not, in any
28 sense, assail their reasons which are well founded, but hastens

1 to underscore the immense difficulty of such massive service of
2 process such as these, whether by waiver or personal service.

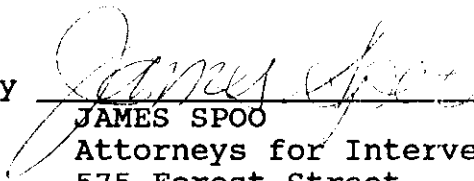
3 CONCLUSION

4 WHEREFORE, MINERAL COUNTY requests time to complete
5 personal service, having shown best efforts and justifiably
6 needing more time, and receiving no previous opposition and not
7 posing any opposition to others' requests for time. As before,
8 MINERAL COUNTY believes an extension until December 14, 1995,
9 to be a reasonable estimation of the time to complete several
10 hundreds of additional and increasingly complex in-person
11 services.

12 Respectfully submitted this 29 day of September,
13 1995.

14 ZEH, POLAHA, SPOO & HEARNE

15
16
17 By


18 JAMES SPOO
19 Attorneys for Intervenor
20 575 Forest Street
21 Reno, Nevada 89509

22
23
24 IT IS SO ORDERED.

25 UNITED STATES DISTRICT JUDGE

26 DATED: _____
27
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